THE SECURITIES LAWS (AMENDMENT) BILL 1995

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): Madam, I beg to move for leave to introduce a Bill to amend the Securities and Exchange Board of India Act, 1992 and further to amend the Securities Contracts (Regulation) Act, 1956.

The question was put and the motion was adopted.

SHRI MANMOHAN SINGH: Madam, I introduce the Bill.

THE DEPUTY CHAIRMAN: Shri Ajit Panja Coal India (Regulation of Transfers and Validation) Bill we will do it later. Hon. Members there are two things today which we are going to discuss. One is the Statutory Resolution regarding Jammu and Kashmir The other is the Special Protection Group Amendment Bill. It is a Bill for consideration and passing. I had discussions with the various leaders of the political parties on the request of the House and Home Minister. He wanted to go to the Lok Sabha for the other thing, so he would like first to have the Bill for consideration, that is, the Special Protection Group Amendhent Bill, 1994. It is a very small matter which is only for extension of time and it was agreed that there would be no discussion on it. But Shri Jethmalani is opposing it. So, I will allow him 2-3 minutes and that is all.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Hon. Deputy Chairman..

THE DEPUTY CHAIRMAN: You have to first lay the Statement and then we will allow it.

STATEMENT REGARDING ORDINANCE THE SPECIAL PROTECTION GROUP (AMENDMENT) ORDINANCE 1995

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, I beg to make a statement giving reasons for issuance of the Ordinance. Madam Deputy Chairperson, I propose that the august House may take into consideration the Special Protection Group (Second Amendmen) Bill, 1994

[Placed in Library *See* No. LT—7052/95]

Special Protection Group Act, 1988 was enacted to constitute and regulate the functioning of the Special Protection Group, which was then responsible for providing prosimate security to the Prime Minister and his immediate family members only. With the amendment of the said Act in 1991, SPG's prosimate security cover got extended to the former Prime Ministers and their immediate family members also for a period of five years from the date the former Prime Ministers ceased to hold the office of Prime Minister.

The SPG is at present providing security to the family of late Shri Rajiv Gandhi former Prime Minister of India and to Shri V. P. Singh, and Chandra Shekhar, former Prime Ministers and their immediate family members. In accordance with the existing provisions of the Act, the family of late Shri Rajiv Gandhi ceased to be entitled to protection by SPG with effect from 1.12.1994 while in the case of Shri V. P. Singh and Shri Chandra Shekhar, the SPG protection will cease from 9.11.95 and 20.6.96, respectively.

While replying to the debate on a Starred Question in the Rajya Sabha on 15.6.94 seeking information as to whether the SPG protection provided to Smt. Sonia Gandhi would be extended beyond the initial period of five years, I had assured the House that the Government proposed to extend this period and provide SPG cover even after the expiry of the initial period of five years to the

family members of our late lamented leader, Shri Rajiv Gandhi.

In accordance with the amended provisions of the SPG Act, 1988, the family of late Shri Rajiv Gandhi, namely, Smt. Sonia Gandhi and her two children, were entitled to SPG cover upto 1.12.94 because Shri Rajiv Gandhi demitted the office of Prime Minister on 2.12.89. The Government has, in the meanwhile, reassessed the threat perception to Smt. Sonia Gandhi and her children and has come to the conclusion that it is essential to continue to provide proximate security cover of the SPG to them for a further period of five years. The Government also feels that it is necessary to extend provision of proximate security cover of SPG to the other former Prime Ministers and their immediate family members for a similar period of five years. As the Parliament was not in Session and the above mentioned Amendment was required to be carried out before 1st December, 1994, the President was requested to promulgate the Special Protection Group (Amendment) Ordinance 1994, which was issued on the 16th November, 1994. The Bill has been passed by the Lok Sabha but could not be passed by the Rajya Sabha in the last Winter Session. Hence another Ordinance became necessary as the validity of the last Ordinance was expiring on 17.1.95 when Parliament was not to be in Session. This Ordinance was issued on 10.1.95.

The proposed amendment would necessitate some extra manpower and other equipments, facilities etc. for the SPG which is estimated to cost around Rs. 34.10 crores per annum and this expenditure would be met from the Consolidated Fund of India.

This Bill seeks to achieve the above objects. I request this august House to take into consideration the SPG (Second Amendment) Bill, 1994.

SHRI GURUDAS DAS GUPTA (West Bengal): I want to know whether this amount of Rs. 34 crores is meant for all or for a particular person.

SHRI S. B. CHAVAN: For all.

SHRI GURUDAS DAS GUPTA: For a country like India Rs. 34 crore ... (*Interruptions*) ...

THE DEUTY CHAIRMAN: Shri Jethmalaniji, you want to move your Resolution opposing it and want to speak on it.

SHRI S. S. AHLUWALIA (Bihar): Madam, it was decided that there would be no discussion on it.

THE DEPTY CHAIRMAN: Because he wants to oppose it... (*Interruptions*) ...

SHRI SURESH PACHOURI (Madhya Pradesh): He should oppose it only in one line.

THE DEPUTY CHAIRMAN: Let him say one line, two lines, or whatever he wants to say.

SHRI SURESH PACHOURI: He may be allowed to oppose it in one line only.

THE DEPUTY CHAIRMAN: I would request him to be brief and there is nothing... (*Interruptions*) ...

SHRI S. S. AHLUWALIA: Madam, it was decided in the meeting of the BAC that there would be no discussion on it and it would be passed without raising any objection.

THE DEPUTY CHAIRMAN: He wants to oppose it, let him oppose it. He opposes it; even then it can be passed.

SHRI RAM JETHMALANI (Maharashtra): Madam, what is in dispute

THE DEPUTY CHAIRMAN: There is no dispute. Jethmalaniji, there is shortage of time today and that is only one constraint.

SHRI V. NARAYANASAMY (Pondicherry): Madam, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Why should we start a discussion on it? Let him speak. Whether he opposes or supports or withdraws afterwards, who knows? So, let him speak.

I. STATUTORY RESOLUTIONS SEEKING DISAPPROVAL FO THE SPECIAL PROTECTION GROUP (AMENDMENT) ORDINANCE, 1995

II. THE SPECIAL PROTECTION GROUP (AMENDMENT) BILL, 1994

SHRI RAM JETHMALANI (Maharashtra): Madam, I move:

"That this House disapproves of the Special Protection Group (Amendment) Ordinance, 1995 (No. 1 of 1995) promulgated by the President on the 10th January, 1995."

I am next to none in speaking for the need that people who are under a threat must be protected. It is the duty of the State to protect anybody whose life is in danger, against any kind of unlawful action. Even if the entire might of the State has to be summoned to protect the life of the smallest citizen of the country, the State is bound to do it. Even if the cost involved runs into crores for the defence of a poor man in this country, so long as his life is under threat, he is entitled to protection. Madam, there is no dispute over this. There is no dispute that people who are under threat must be protected, whether it is the Prime Minister or an ex-Prime Minister or members of his family; everybody is entitled to protection. But, Madam, realising that this is in exercise in futility, I am still a Member of this House, I opposed this measure in 1988 when it was being enacted into law for the first time and by my silence today I do not want to create an impression that I said something which I did not believe at that time and that circumstances have changed and I have changed my mind. I wish to record the same kind of opposition which I raised against this Bill in 1988. In 1988 there was great justification which was recognised by all sections of the House including myself. In 1988 the Bill was being passed in the context of one of the most extraordinary tragedies that had taken place in this country. It was being passed in the context of what had happened in the city of Delhi. After all, the Special Protection Group had come into existence even before the Act was passed in 1988, it came into existence in June 1988.

1 P.M.

The tragedy was great enough to justify that Bill. But even then, some of us opposed it on purely ideoogical grounds. And I have got distinguished Members of this House sitting here today on this side, and though they seem to have now acquiesced in this Bill because it has gone on for so long, yet I have got their speeches of 1988. Many sections of this House opposed this Bill on pure intellectual grounds. There is no reason why a common law duty which you owe to every citizen of this country should necessarily be converted into a statutory duty qua only specified persons. This is violation of article 14 of the Constitution. It is a violation of the fundamental principle of equality which underlies the Constitution. By all means, protect any person. All that you have to do is to decide in your mind. If your Home Ministry, your Intelligence sources tell you that somebody is under danger, please employ the entire might of the State. But, by creating a special statute for a special person and a special family of that person you are creating a very bad impression and bad prece-